

October 12, 1998

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**

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**REPORT AND DECISION ON APPLICATION FOR PRELIMINARY PLAT APPROVAL.**

**SUBJECT:** Department of Development and Environmental Services File No. **L97P0046**

**DMITRIE'S PLACE**  
Preliminary Plat Application

**Location:** West of 37th Avenue South, south of South 300th Place

**Applicant:** Michael Lorenz  
W A Developers, Inc.  
22030 - 7th Avenue South, #204  
Des Moines, WA 98198-6219

**SUMMARY OF RECOMMENDATIONS:**

|                           |   |
|---------------------------|---|
| Department's Preliminary: | Approve, subject to conditions            |
| Department's Final:       | Approve, subject to conditions            |
| Examiner:                 | Approve, subject to conditions (modified) |

**PRELIMINARY MATTERS:**

|                                    |                   |
|------------------------------------|-------------------|
| Application or petition submitted: | November 12, 1997 |
| Complete application:              | December 10, 1997 |

**EXAMINER PROCEEDINGS:**

|                 |                                |
|-----------------|--------------------------------|
| Hearing Opened: | September 15, 1998, 9:30 a.m.  |
| Hearing Closed: | September 15, 1998, 10:45 a.m. |

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes.  
A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

ISSUES/TOPICS ADDRESSED:

- ◆ Density
- ◆ Surface water run-off
- ◆ Recreation area
- ◆ Trees
- ◆ Traffic circulation
- ◆ Sight distance

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. General Information:

|                            |   |
|----------------------------|---|
| Owner/Developer:           | Michael Lorenz<br>W A Developers, Inc.<br>22030 - 7th Avenue South, #204<br>Des Moines, WA 98198-6219 |
| Engineer:                  | Leonard Gantz<br>3355 South 300th Place<br>Auburn, WA 98001   |
| Location:                  | West of 37th Avenue South, south of South 300th Place   |
| STR:                       | SW 1/4 SW 1/4 Section 3, Township 21N,<br>Range 4 EWM   |
| Zoning:                    | R8 (Urban Residential - base density of 8 units per acre)   |
| Acreage:                   | 7.28 acres  |
| Density:                   | 6.3 units per acre  |
| Typical Lot Size:          | 2,800 to 4,400 square feet  |
| Proposed Use:              | Townhouses  |
| Sewage Disposal:           | Lakehaven Utility District  |
| Water Supply:              | Lakehaven Utility District  |
| Fire District:             | King County Fire District No. 39  |
| School District:           | Federal Way No. 210   |
| Complete Application Date: | December 10, 1997   |

2. Except as modified below, the facts set forth in the King County Land Use Services Division's Preliminary Report to the King County Hearing Examiner for the September 15, 1998 public hearing are found to be correct and are incorporated herein by this reference.

3. Although adjacent and nearby properties have been developed with larger lots pursuant to prior zoning, the zone classification of the subject property is currently R8, which establishes a base density of eight dwelling units per acre. Because a significant portion of the area of the subdivision is required to be set aside in a Sensitive Areas Tract, the minimum allowable density on the site is 34 dwelling units. The maximum allowable density is 57. The proposal to develop 46 townhouse dwelling units is consistent with the current zone classification.
4. Surface water run-off is to be collected, treated for water quality improvement, and retained pursuant to requirements of King County Surface Water Design Manual. Discharge will be into the wetland and stream which run south to South 304th Street, where two 36-inch-diameter culverts carry the run-off under the street. The flow from South 304<sup>th</sup> Street is through a swale into Lake Doloff. Flooding of South 304th Street currently occurs during the 10-year design storm. Other flooding in the area occurs further south, on 38th Avenue South. Recent problems associated with the increase in the level of Lake Doloff have been addressed by improvements to the lake outlet.

DDES has offered the applicant the options of addressing downstream drainage problems by utilizing a restrictive surface water release standard, or by overlaying South 304th Street. The applicant has indicated a preference to overlay 304th Street. However, studies have not been undertaken to analyze downstream impacts which could result from the release of surface water in excess of current conditions during the ten year and greater design storms. DDES' recommended condition is that verification be required which demonstrates that the overlay, if that option is used, neither aggravates the existing drainage problem nor creates a new one. This condition should assure that adequate downstream analysis occurs to address possible impacts on Lake Doloff and 38th Avenue South, as well as South 304<sup>th</sup> Street, from increased peak flows of surface water from the developed site.

5. The applicant proposes two on-site recreation areas to meet the requirements of KCC 21A.14.180. The proposal would utilize the surface area of the stormwater detention tracts for recreation, in order to conserve developable area of the site for residential development. Joint use tracts for stormwater facilities and recreation facilities are permitted by KCC 21A.14.180.D.3. Pursuant to this section, the title to joint use tracts is to remain with the developer, homeowners' association, or similar entity, subject to an access easement to King County for maintenance of the stormwater facilities.

The location of the westerly storm drainage tract is behind lots, where it is not readily observable from the right-of-way, and has only a 20-foot-wide access strip between residential lots for entry and exit. DDES' recommended condition requires future approval of the conceptual recreation space plan, and approval of a detailed plan by DDES and King County prior to or concurrent with submittal of the final plat documents. However, review and approval of a conceptual plan by the Department of Parks prior to engineering plan submittal would afford a better opportunity for the determination of the appropriateness of the proposed recreation areas prior to preparation and submission of final engineering plans.

6. The site contains Douglas fir, cedar, hemlock, alder, maple and cottonwood trees, as well as native undergrowth. Vegetation will not be disturbed within the wetland and the substantial buffers required. 50 feet from the wetland and 100 feet from the stream, whichever is greater.

Within the area to be developed, it is likely that all trees and existing vegetation will be removed, except, possibly, within the area of required setbacks. This change in the appearance of the area and reduction of wildlife habitat is consistent with the King County Comprehensive Plan policies for areas which have been designated within the urban area.

7. Access to the westerly portion of the plat will be by way of 34th Avenue South from South 298<sup>th</sup> Street. This plat entrance road will curve to the west within the subject property as South 301st Place. The King County Road Engineer has granted the applicant a variance from the road standards to permit construction of the horizontal curvature of this roadway for a 25-mph design speed, rather than the 30-mph design speed normally required for a sub-collector.

Area residents expressed concern about the routing of traffic through the neighborhood to the north. This concern was alleviated by DDES' testimony that 34th Avenue South would "dead end" within the westerly portion of the property. However, the plat design recommended by DDES calls for a temporary cul-de-sac, so that South 301st Place can be extended in the future, when the adjacent property to the west is developed. When that development occurs, 32nd Avenue South is likely to be extended to become a through street from South 304th Street to 301st Place South. This would create a through route within this plat that would connect South 304<sup>th</sup> Street to South 298th Street. The result could be an attractive short-cut between collector arterials, bypassing 37th Avenue South, which is the designated north-south collector arterial in the area.

This route through densely populated townhouse and single-family detached residential dwelling areas, utilizing a 25-mph design speed curve through the subject property, could present an unsafe condition. The future decision as to whether the connection to 32nd Avenue South should or should not be made when the adjacent property to the west is developed should not be predetermined by this plat. This issue can be reserved for future consideration by constructing a permanent cul-de-sac between Tract D and Lot 33, and dedicating (but not constructing) 48 feet of right-of-way to the west property line. Driveways or a joint use access tract to lots 30 and 31 could be located within the dedicated right-of-way.

8. Sight distance for traffic entering 37th Avenue South from the proposed South 302nd Street is presently restricted to the north as a result of a dip in the roadway of 37th Avenue South. The applicant proposes to improve 37th Avenue South along the site frontage to King County standards for an urban collector arterial, and to reconstruct the roadway in the vicinity of the dip to achieve sight distance as required by the King County Road Standards.
9. Elementary, junior high and senior high schools are all located within one mile of the subject property. Students from the proposed subdivision will walk to these schools along shoulders, sidewalks and a separated pathway, all of which are adequate to provide safe walking conditions.

#### CONCLUSIONS:

1. If approved subject to the conditions set forth below, the proposed subdivision will comply with the goals and objectives of the King County Comprehensive Plan, Federal Way Community Plan, Subdivision and Zoning Codes, and other official land use controls and policies of King County.

2. If approved subject to the conditions set forth below, this proposed subdivision will make appropriate provision for the public health, safety and general welfare and for open spaces, for drainage ways, streets, other public ways, transit stops, potable water supply, sanitary wastes, parks and recreations, playgrounds, schools and school grounds, and safe walking conditions for students who only walk to school; and it will serve the public use and interest.
3. The conditions for final plat approval set forth below are in the public interest and are reasonable requirements to mitigate the impacts of this development upon the environment.
4. The dedications of land or easements within and adjacent to the proposed plat, as required by the conditions for final plat approval or as shown on the proposed preliminary plat submitted by the applicant, are reasonable and necessary as a direct result of the development of this proposed plat.
5. The proposed development of 46 dwelling units on the subject property is consistent with applicable policies of the King County Comprehensive Plan and the zone classification of the property. The applicant has the right to develop the property at the proposed density.
6. If the applicant elects to address flooding problems on South 304th Street by overlaying the roadway, rather than utilizing restrictive detention, the downstream analysis shall assure that there are no adverse impacts on the water level of Lake Doloff or 38th Avenue South, as well as other downstream areas required to be analyzed by DDES.
7. The applicant shall provide a conceptual plan for the proposed recreation areas, to be reviewed by DDES and the King County Department of Parks prior to submittal of final engineering plans.
8. Development of the site should allow for, but not predetermine, extension of South 301st Place to 32nd Avenue South. To accomplish this, the construction of 301st Place should terminate in a permanent cul-de-sac in the vicinity of Tract D, at Lot 33, although the dedicated right-of-way should extend to the west property boundary. Access to lots 30 and 31 may be provided by driveways or a joint-use tract within the right-of-way, to be maintained by the owners of Lots 30 and 31. Design details can be approved by DDES, so as to allow for (but not require) the future construction of South 301st Place to the west property line in the event the decision to extend the roadway is made at the time the adjacent property to the west is proposed to be subdivided.

DECISION:

The proposed plat of DMITRIE'S PLACE, as revised August 31, 1998 (Exhibit No. 7), is GRANTED preliminary approval, subject to the following conditions of final plat approval:

1. Compliance with all platting provisions of Title 19 of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication that includes the language set forth in King County Council Motion No. 5952.
3. The plat shall comply with the density requirements of the R-8 zone classification. All lots shall meet the minimum dimensional requirements of the R-8 zone classification and shall generally be as shown on the face of the approved preliminary plat, except that minor revisions to the plat

which do not result in substantial changes may be approved at the discretion of the Department of Development and Environmental Services.

4. The applicant must obtain final approval from the King County Health Department.
5. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 11187, as amended (1993 KCRS), subject to variances granted by the King County Road Engineer.
6. The applicant must obtain the approval of the King County Fire Protection Engineer for the adequacy of the fire hydrant, water main, and fire flow standards of Chapter 17.08 of the King County Code.
7. Final plat approval shall require full compliance with drainage provisions set forth in King County Code 9.04. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. The following conditions represent portions of the Code. Requirements shall apply to all plats.
  - a. Drainage plans and analysis shall comply with the 1990 King County Surface Water Design Manual and applicable updates adopted by King County. DDES approval of the drainage and roadway plans is required prior to any construction.
  - b. Current standard plan notes and ESC notes, as established by DDES Engineering Review, shall be shown on the engineering plans.
  - c. The following note shall be shown on the final recorded plat:

"All building downspouts, footing drains and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings #\_\_\_\_\_ on file with DDES and/or the King County Department of Transportation. This plan shall be submitted with the application for any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with plans on file."
- 8.. The following conditions specifically address drainage issues for this particular plat:
  - a. Core Requirement No. 1: Discharge at the Natural Location.

Two separate run-off control facilities will be required for drainage plan approval.
  - b. Core Requirement No. 3: Run-off Control.

Flooding occurs (downstream of the property) along South 304th Street at approximately the 10-year storm event; therefore more restrictive detention standards are required. The R/D release (both facilities) shall be restricted to the storm event that causes flooding

across South 304th Street, in addition to matching the 2-year and 10-year storms as specified in the drainage manual. Post-development flow rates shall be limited to the 10-year pre-development rate for events up to the 100-year storm.

As an alternative, an overlay may be provided along South 304th Street in the area that is prone to flooding. If this option is chosen, the thickness of overlay shall be determined at the time of engineering plan review. Additionally, verification shall be required which demonstrates that the overlay neither aggravates the existing drainage problem nor creates a new one. Verification shall include downstream analysis which analyzes the impacts, if any, to the water level of Lake Doloff and to 38th Avenue South, which may result from peak flows in excess of those which would occur if the restrictive detention standards were utilized.

Biofiltration of storm water is also required for water quality enhancement. The size of the proposed drainage tracts may have to increase to accommodate the required detention storage volumes and biofiltration facilities. The run-off control facilities shall be located in a separate tract and dedicated to King County unless portions of the drainage tract are used for required recreation space in accordance with KCC 21A.14.180.

As specified in Section 4.5 of the SWAM Manual, infiltration of stormwater for both lot areas and roadway improvements is recommended, if determined to be feasible. A geotechnical report shall be provided to evaluate soil conditions, seasonal depth to groundwater, and other design requirements as outlined in the SWM Manual.

c. Special Requirement No. 9: 100-Year Floodplain.

A wetland/stream is located near the center of the property; therefore, a floodplain analysis shall be performed. The 100-year floodplain boundaries shall be shown on the final engineering plans and recorded plat.

9. The proposed subdivision shall comply with the 1993 King County Road Standards (KCRS) including the following requirements:

- a. That portion of the west half of 37th Avenue South adjoining the subject property shall be improved to an urban collector arterial standard. Additionally, the inadequate sight distance (stopping and entering to the north at the South 302nd Street entrance) shall be corrected by reconstruction of the roadway. The design requirements shall be shown on the engineering plans (KCRS Section 2.12 and 2.13).
- b. The on-site road (36th Place South/South 302nd Street) located on the east half of this development shall be designed as urban sub-access (KCRS Section 2.03). The east/west portion of this road (South 302nd Street) shall be designed as a half street.
- c. A permanent cul-de-sac shall be provided at the north terminus of 36th Place South.
- d. ROW and roadway design shall be provided which allows for a future "T" intersection near Lot No. 16 (not a curve as shown on the current site plan).

- e. The on-site road (34th Avenue South/South 301st Place) located on the west half of this development shall be designed as urban sub-collector (KCRS Section 2.03), subject to variance(s) by the King County Road Engineer..
  - f. During preliminary review, the applicant submitted a road variance application (File No. L98V0047), regarding a horizontal curve at 34th Avenue South and South 301st Place. A KCRS variance approval was granted (May 26, 1998) allowing a 25-mph design speed for the curve. The final road improvements shall comply with table 2.2 (KCRS Section 2.05).
  - g. A permanent cul-de-sac shall be provided and improved to urban street standards in the vicinity of Tract D and Lot 33. Forty-eight feet of right-of-way shall be dedicated, but not improved, from the cul-de-sac to the west boundary of the plat. A joint-use tract or individual driveways may be constructed within this right-of-way to serve Lots 30 and 31. The owners of those lots shall have the responsibility for maintenance of the driveways or tract until such time as South 301st Place is constructed and accepted by King County. This maintenance requirement shall be noted on the recorded plat. Construction details shall be worked out by DDES and the developer, subject to approval by the King County Road Engineer.
  - h. Tracts serving three or more lots shall be designed as private access tracts. The lot owners shall have undivided ownership of the tract and shall be responsible for its maintenance. Improvements shall conform to KCRS Section 2.03 (urban minor access) which include 22 feet of paving. The minimum tract width shall be 26 feet with a maximum length of 150 feet.
  - i. As required by KCRS 5.03, street trees should be included in the design of all road improvements.
  - j. Street illumination shall be provided at the intersections of South 302nd Street and 37th Avenue South in accordance with KCRS 5.03.
  - k. 37th Avenue South is designated an arterial street which may require designs for bus zones and turn-outs. As specified in KCRS 2.16, the designer shall contract Metro and the local school district to determine specific requirements.
  - l. Modifications to the above road conditions may be considered by King County pursuant to the variance (reconsideration) procedures in KCRS 1.08.
10. All utilities within proposed rights-of-way must be included within a franchise approved by King County Council prior to final plat recording.
11. The applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The applicant has the option to either: 1) pay the MPS fee at final plat recording, or 2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, the fee paid shall be the fee in effect at the time of plat application, and a note shall be placed on the face of the plat stating: "All fees required by King County Code 14.75, Mitigation



Payment System (MPS), have been paid". If the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.

12. Lots within this subdivision are subject to King County Code 21A.43, which imposes impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impact fees due for the plat shall be assessed and collected immediately prior to recording, using the fee schedules in effect when the plat receives final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.
13. There shall be no direct vehicular access to or from 37th Avenue South from those lots that abut it. A note to this effect shall appear on the engineering plans and final plat.
14. The following note shall be shown on the final engineering plan and recorded plat:

#### RESTRICTIONS FOR SENSITIVE AREA TRACTS AND SENSITIVE AREAS AND BUFFERS

Dedication of a sensitive area tract/sensitive area and buffer conveys to the public a beneficial interest in the land within the tract/sensitive area and buffer. This interest includes the preservation of native vegetation for all purposes that benefit the public health, safety and welfare, including control of surface water and erosion, maintenance of slope stability, and protection of plant and animal habitat. The sensitive area tract/sensitive area and buffer imposes upon all present and future owners and occupiers of the land subject to the tract/sensitive area and buffer the obligation, enforceable on behalf of the public by King County, to leave undisturbed all trees and other vegetation within the tract/sensitive area and buffer. The vegetation within the tract/sensitive area and buffer may not be cut, pruned, covered by fill, removed or damaged without approval in writing from the King County Department of Development and Environmental Services or its successor agency, unless otherwise provided by law.

The common boundary between the tract/sensitive area and buffer and the area of development activity must be marked or otherwise flagged to the satisfaction of King County prior to any clearing, grading, building construction or other development activity on a lot subject to the sensitive area tract/sensitive area and buffer. The required marking or flagging shall remain in place until all development proposal activities in the vicinity of the sensitive area are completed.

No building foundations are allowed beyond the required 15-foot building setback line, unless otherwise provided by law.

15. The proposed subdivision shall comply with the Sensitive Areas Ordinance as outlined in KCC 21A.24. Permanent survey marking, and signs as specified in KCC 21A.24.160 shall also be addressed prior to final plat approval. Temporary marking of sensitive areas and their buffers (e.g., with bright orange construction fencing) shall be placed on the site and shall remain in place until all construction activities are completed.
16. The following sensitive area requirements shall also be conditions of plat approval:

- a. The Class 2 wetland shall have a minimum of a 50-foot buffer of undisturbed native vegetation measured from the wetland edge.
  - b. The stream shall have a minimum of a 100-foot buffer of undisturbed native vegetation measured from the ordinary high water mark.
  - c. A minimum of 15-foot building setback shall be provided between the edge of the buffer and any future structure.
  - d. The wetland, stream and their buffers shall be set aside in a separate Sensitive Areas Tract (SAT). The boundary between the SAT and the adjacent lands must be permanently delineated using survey markers and sensitive areas signs. The signs must be shown on the final engineering plans and be installed prior to final inspection.
  - e. The boundary between the SAT and adjacent lands must be marked in a highly visible manner and remain so marked until all construction activities in their vicinity are completed.
17. Suitable recreation space shall be provided to each side of the development consistent with the requirements of KCC 21A.14.180 and KCC 21A.14.190 (i.e., sport court(s), children's play equipment, picnic table(s), benches, etc.)
- a. An overall conceptual recreation plan shall be submitted for review and approval by DDES and the Department of Parks prior to submittal of the engineering plans. This plan shall include location, area calculations, dimensions, and general improvements. The final engineering plans shall be consistent with the recreation space plan as approved by DDES and the Department of Parks.
  - b. A detailed recreation space plan (i.e., landscape specs, equipment specs, etc.) consistent with the overall conceptual plan, as detailed in Item a., shall be submitted for review and approval by DDES and King County Parks prior to or concurrent with the submittal of the final plat documents.
  - c. A performance bond for recreation space improvements shall be posted prior to recording of the plat.
18. A homeowners' association or other workable organization shall be established to the satisfaction of DDES which provides for the ownership and continued maintenance of the recreation and/or open space area(s).
19. Street trees shall be provided as follows:
- a. Trees shall be planted at a rate of one tree for every 40 feet of frontage along 37th Avenue South. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.
  - b. Trees shall be located within the street right-of-way and planted in accordance with

Drawing No. 5-009 of the 1993 King County Road Standards, unless King County Department of Transportation determines that trees should not be located in the street right-of-way.

- c. If King County determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20 feet from the street right-of-way line.
  - d. The trees shall be owned and maintained by the abutting lot owners *or* the homeowners' association or other workable organization unless the County has adopted a maintenance program. This shall be noted on the face of the final recorded plat.
  - e. The species of trees shall be approved by DDES if located within the right-of-way, and shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers, or that is not compatible with overhead utility lines.
  - f. The applicant shall submit a street tree plan and bond quantity sheet for review and approval by DDES prior to engineering plan approval.
  - g. The applicant shall contact Metro Service Planning at 684-1622 to determine if 37th Avenue South is on a bus route. If it is a bus route, the street tree plan shall also be reviewed by Metro.
  - h. The street trees must be installed and inspected, or a performance bond posted, prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, a maintenance bond must be submitted or the performance bond replaced with a maintenance bond, and held for one year. After one year, the maintenance bond may be released after DDES has completed a second inspection and determined that the trees have been kept healthy and thriving.
20. A \$538 landscape inspection fee shall also be submitted prior to plat recording. The inspection fee is subject to change based on the current County fees.

ORDERED this 12th day of October, 1998.

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James N. O'Connor  
King County Hearing Examiner

TRANSMITTED this 12th day of October, 1998, to the following parties and interested persons:

Glen & Nola Barber  
Gary & Ronnelle Bates  
Tom Brown

Tim & Emilie Calhoun  
Leonard J. Gantz  
Michael Green

Tom & Mary Hayward  
Leonardo Herrera  
John L. Scott Land Department

M/M Howard Jones  
Cynthia & Dan Keller  
King Conservation District  
Steven & Connie Lantor  
Michael Lorenz  
Eleanor Moon  
Marty Rewa  
Seattle-King Co Health Department  
Rodney H. Smith  
Chris & Janet Thiel  
Eric Thompson  
Greg Borba  
Kim Claussen  
Pete Dye  
Steve Foley  
Curt Foster  
Nick Gillen  
Shirley Goll  
Gary Kohler  
Aileen McManus  
Carol Rogers  
Steven C. Townsend  
Larry West  
Caroline Whalen

### **NOTICE OF RIGHT TO APPEAL**

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) **on or before October 26, 1998**. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council **on or before November 2, 1998**. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

### **MINUTES OF THE SEPTEMBER 15, 1998 PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT & ENVIRONMENTAL SERVICES FILE NO. L97P0046 - DMITRIE'S PLACE:**

James N. O'Connor was the Hearing Examiner in this matter. Participating in the hearing were Gary Kohler, Curt Foster, Steve Foley, Michael Lorenz, Leonard Gantz, Gary Bates, Ronnella Bates, Glen Barber, Nola Barber, and Leonardo Herrera.

The following exhibits were offered and entered into the record:

- Exhibit No. 1 Department of Development and Environmental Services File No. L97P0046
- Exhibit No. 2 Department of Development and Environmental Services Preliminary Report to the Examiner for the September 15, 1998 public hearing
- Exhibit No. 3 Application dated November 12, 1997
- Exhibit No. 4 Environmental Checklist dated November 12, 1997
- Exhibit No. 5 Declaration of Non-Significance dated July 17, 1998
- Exhibit No. 6 Affidavit of Posting indicating December 22, 1997 as date of posting and December 26, 1997 as date affidavit was received by Department of Development and Environmental Services
- Exhibit No. 7 Site Plan dated August 31, 1998
- Exhibit No. 8 Land Use Maps 704W and 703E
- Exhibit No. 9 Assessor's Maps SW 3-21-4 and SE 4-21-4
- Exhibit No. 10 Drainage Plan dated August 31, 1998
- Exhibit No. 11 King County Arc View Map
- Exhibit No. 12 Traffic Impact Analysis
- Exhibit No. 13 Level 1 Offsite Drainage Analysis
- Exhibit No. 14 Wetland Evaluation Report
- Exhibit No. 15 Additional information submitted by applicant April 10, 1998
- Exhibit No. 16 Letter from Glen and Nola Barber dated September 15, 1998

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